HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.2156 of 2002

Dated 4th day of July, 2007

Between:

Toddy Tappers Cooperative Society,
L.B.Nagar, rep by its President, V.Ramalingam ..
Petitioner

And

The Prohibition & Excise Superintendent-
Cum-Functional Registrar Toddy Tappers
Cooperative Societies, Ranga Reddy District
Hyderabad ..
Respondent

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O R D E R:

This writ petition is filed seeking a mandamus to declare the order dated 8.1.2002 passed by the respondent, as arbitrary, illegal and without jurisdiction.

The case of the petitioner-Toddy Tappers Cooperative Society, is that its members are eking out their livelihood on toddy tapping business. The Government issued G.O.Ms.No.234, dated 3.4.1979, by which, the respondent does not have any power to direct the petitioner to admit certain persons as its members. Now, the petitioner's grievance is that the respondent passed the order dated 8.1.2002 directing the petitioner to enroll certain persons as its members.

Heard the learned counsel for both the parties.

It is true that the respondent is a functional Registrar under the provisions of A.P. Co-operative Societies Act, 1964 (for brevity "the Act"), but the power is to be exercised only by the Registrar and the power under Section 19 of the Act is not delegated to the functional Registrar even in terms of G.O.Ms.No.234, dated 3.4.1979. Hence, it can definitely be held that the action of the respondent in directing the petitioner-society to admit certain persons as its members is one without jurisdiction and competence.

In the result, the writ petition is allowed setting aside the order, dated 8.1.2002 passed by the respondent. No costs.

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04.07.2007

bcj